

United States Patent and Trademark Office



UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	F	ILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/721,659		11/25/2003	Kwan-Ju Koh	20067/OPP030893US	5649	
34431	7590	09/21/2004		EXAM	INER	
		IGHT, LLC	DOAN, THERESA T			
20 N. WACKER DRIVE SUITE 4220				ART UNIT	PAPER NUMBER	
CHICAGO,	CHICAGO, IL 60606				2814	
				DATE MAILED: 09/21/2004		

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)				
Office Action Summan	10/721,659	KOH, KWAN-JU				
Office Action Summary	Examiner	Art Unit				
	Theresa T Doan	2814				
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the co	orrespondence address				
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 01 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).						
Status		•				
1) Responsive to communication(s) filed on	_•					
2a) This action is FINAL . 2b) This	action is non-final.					
3) Since this application is in condition for allowan	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
closed in accordance with the practice under E	closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.					
Disposition of Claims						
4) Claim(s) 1-10 is/are pending in the application.	4) Claim(s) <u>1-10</u> is/are pending in the application.					
• • • • • • • • • • • • • • • • • • • •	4a) Of the above claim(s) is/are withdrawn from consideration.					
5) Claim(s) is/are allowed.						
	Claim(s) is/are rejected.					
•	Claim(s) is/are objected to.					
8) \boxtimes Claim(s) <u>1-10</u> are subject to restriction and/or e	siection requirement.					
Application Papers						
	P)☐ The specification is objected to by the Examiner.					
,—) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.					
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.						
Trib The Dath of declaration is objected to by the Ex	ammer. Note the attached Office	Action of form F 10-102.				
Priority under 35 U.S.C. § 119						
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage 						
application from the International Bureau (PCT Rule 17.2(a)).						
* See the attached detailed Office action for a list of the certified copies not received.						
Attachment(s)						
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 4) Interview Summary (PTO-413) Paper No(s)/Mail Date						
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 		atent Application (PTO-152)				
Paper No(s)/Mail Date 6) Other:						

Application/Control Number: 10/721,659

Art Unit: 2814

DETAILED ACTION

Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - Claims 3-10, drawn to a method of fabricating a semiconductor device, classified in class 438, subclass 619.
 - II. Claims 1-2, drawn to a semiconductor device having a multi-layered metal wire structure, classified in class 257, subclass 276.
- 2. The inventions are distinct, each from the other because of the following reasons: Inventions Group I, and Group II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case, the product as claimed can be made by another and materially different process such as, selectively forming a second etching mask by using a mask in order to alleviate the need for subsequent a forming of a third mask film. In addition, product claims do not require the steps of "removing the first etch mask and simultaneously forming open pores in the first interlayer insulation film by etching the first etch mask and exposing the first interlayer insulator film using the second etch mask" as required by the process claims.

Application/Control Number: 10/721,659

Art Unit: 2814

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

- 4. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).
- 5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theresa T Doan whose telephone number is (571) 272-1704. The examiner can normally be reached on Monday to Thursday from 8:00AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WAEL FAHMY can be reached on (571) 272-1705. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TD

September 9, 2004.

Page 4

PRIMARY EXAMINER